

### **Bay Trail**

The City of Richmond, in a letter (4/13/06) from Mayor Irma Anderson, has already issued DEIR comments related to the Bay Trail. This issue should be evaluated from the standpoint of policy consistency, land-use and recreational impacts, as well as socioeconomic, environmental justice, and cumulative impacts.

39-11

### **Environmental Justice**

We are pleased to note that environmental justice issues have been included, consistent with State Lands regulations. Environmental justice (EJ) has been a significant concern in many of Richmond's communities, where industrial uses have historically been sited. The DEIR concludes that EJ effects would not extend beyond the "MTC-Minority Zone and Area of Poverty". The DEIR should reevaluate the project within the context of Chevron operations as whole. The community of North Richmond and areas along Cutting Avenue and Harbor are proximate to Chevron operations, particularly with regard to air emissions.

39-12

### **Mitigation, Monitoring, and Reporting Program (MMRP)**

The Mitigation Program (MMRP) should provide for an adequate level of funding for SLC and City Staff to monitor and enforce mitigation measures. Given the extremely limited resources of both SLC and City Staff to conduct mitigation tracking, inspections, and enforcement, such funding provisions are essential to the "feasibility" of implementing the Mitigation Program. Marine oil terminal engineering and maintenance standards (MOTEMS), for example, would involve a considerable monitoring effort. The EIR should provide specific estimates for MMRP implementation and discuss coordination with, and participation of, the City.

39-13

Thank you again for your proactive outreach efforts. We encourage your staff to meet with City representatives to discuss the issues raised in our comments. Please feel free to contact me at (510) 620-6702, should you have any questions or to arrange a meeting.

Sincerely,



Morty Prisameit  
Senior Planner, CEQA and Special Projects

Cc: Honorable Irma Anderson, Mayor  
Bill Lindsay, City Manager  
Richard Mitchell, Planning Director  
John Eastman, City Attorney

## **Response to Comment Set #39**

### **39-1 Project Description/Baseline Analysis**

CSLC staff conferred with Chevron regarding the maximum throughput and vessel calls expected over the life of the lease and based the analyses within the DEIR on such information. Any modifications that could result in impacts greater than indicated in the DEIR would be subject to additional CEQA review.

### **39-2 Jurisdictional Concerns**

The Introduction has been modified as indicated in Section 4 of this document to address both the City's jurisdiction over activities within its boundaries and the requirement that the applicant submit a Stormwater Control Plan per the San Francisco RWQCB's C-3 regulations. Also, discussion on stormwater control and the NPDES permit is presented in Section 4.2, Water Quality, of the DEIR.

### **39-3 Cumulative Approach**

Section 1.1 of the DEIR identifies the objectives, purpose and need of the proposed Project as follows, "The Project objective is to maintain the operation and viability of the Chevron Richmond Refinery (Refinery) by continuing current Chevron Richmond Long Wharf Marine Terminal (Long Wharf) operations through which the Refinery both receives its raw materials and exports its refined products. The Project is needed in order to continue Refinery operations. Without the use of the Long Wharf, the Refinery would not be viable and would be shut down."

Section 1.2.2 defines the scope of the analyses within the document and states, in part, "Refinery operations are separate from Long Wharf operations, and are not part of the proposed lease. Refinery operations are not under the jurisdiction of the CSLC, and are addressed only as they pertain to Long Wharf operations or to alternatives to the proposed Project." This definition of the "proposed Project" is consistent with the provisions of section 15378 (a)(3) of the State CEQA Guidelines. Further, although the Long Wharf and the onshore refinery have a symbiotic relationship, it is not the obligation of the CSLC, under the provisions of the CEQA, to analyze the impacts of ongoing operations of an existing, permitted upland facility over which it has no legal jurisdiction as a component of the instant analysis.

The Chevron Energy and Hydrogen Renewal Project (Renewal Project) has been added to Section 3.4.2, "Description of Cumulative Projects" as a "foreseeable project in the general vicinity of the Long Wharf." According

to the Project Description posted on the CEQAnet web site of the Office of Planning and Research, "The proposed Chevron Energy and Hydrogen Renewal Project involves four main components: Hydrogen Plant Replacement, Reformer Replacement, Power Plant Replacement, and Hydrogen Purity Improvements. The Renewal Project would replace and alter facilities within existing manufacturing areas of the Refinery. Other smaller projects to update plant equipment are also under consideration. These other projects could involve the addition and/or replacement of approximately six storage tanks, additional truck traffic through the Marketing terminal, and a post-construction cumulative impacts analysis - as ordered by the court - of an already-completed project to build two new LPG spheres. *Chevron proposes the Renewal Project to increase energy efficiency, to improve equipment and process reliability, and to reduce air emissions. The Renewal Project would improve the Refinery's ability to process crude oil and other feed stocks from around the world and to direct more of current gasoline production capacity to the California market.* The proposed project would require a Conditional Use Permit from the City of Richmond and Design Review. The project will also require a Bay Area Air Quality Management District (BAAQMD) Authority to Construct and Permit to Operate (ATC/PTO)." (*emphasis added*)

Section 15130 (a)(1) of the State CEQA Guidelines states, "As detailed in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR." The above described Renewal Project is one of those "other projects" cited in the above section. While the potential impacts of the proposed Project are revealed, those of the Renewal Project have not been because the Notice of Preparation issued for the Renewal Project did not contain a description of potential environmental effects and the required EIR is yet to be completed and made public. It is, therefore, difficult to ascertain whether the Renewal Project will cause impacts related to the proposed Project. However, in representative issue areas, for example, air quality, geologic/seismic, and noise, the impacts of the proposed Project would result in a less than significant impact (Class III). Accordingly, based on the information available, the proposed Project would not result in significant cumulative impacts, within the meaning of section 15130, when combined with probable impacts of the Renewal Project.

#### 39-4 Alternatives Analysis

As indicated in Section 3.3 of the DEIR, both the "Full Throughput Via Pipeline Alternative" (Section 3.3.2) and the "Conceptual Consolidation Terminal Alternative" (Section 3.3.3) were evaluated. The potential impacts of each of these alternatives are discussed respectively in

Sections 4.1 through 4.13. By their inclusion, the DEIR considers “a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. (See section 15126.6(a), State CEQA Guidelines).

In keeping with the provisions of section 15126.6(d), State CEQA Guidelines, Table ES-2 contains a “Summary of Environmental Impacts for Proposed Project and Alternatives”. Based on information in this table, the DEIR Executive Summary, page ES-7, concludes that while the Conceptual Consolidation Terminal would reduce operations at the Long Wharf, but not eliminate them, and that, in combination with the impacts associated with the Consolidation Terminal and the land-based pipelines to interconnect the two terminals, the alternative represents a greater environmental impact than the proposed Project.

### 39-5 Water Quality and System Safety

Section 4.1.1 contains a description of vessel traffic at the Long Wharf, in San Francisco Bay and along the outer coast as well as a description of the Long Wharf and Bay Area oil spill capabilities.

The section continues with a discussion of oil spills in the Bay Area and at the long Wharf. According to data maintained by the CSLC, “A total of 159 spills, varying from 1 gallon (or less) to 1,092 gallons (26 bbls), occurred during the 14 years from 1992 through 2005. This equates to approximately 11 spills per year. Terminals were the responsible party for approximately 59 percent of the spills, while vessels were responsible for the remaining 41 percent.”

The cited section concludes with a discussion of the Bay Area’s vessel traffic control systems.

Lastly, Section 4.1.4.2, Impact OS-7, “Response Capability for Accidents in Bay and Outer Coast.” discusses probability estimates for tanker and barge spills from vessel traffic accidents, tank vessel spills within the Bay, and tank vessel spills outside the Bay and concludes with the following mitigation measure,

**“OS-7a.** Chevron shall participate in an analysis to determine the adequacy of the existing VTS in the Bay Area, if such a study is conducted by a Federal, State, or local agency during the life of the lease. Agencies such as the San Francisco Bay Harbor Safety Committee often conduct studies of safety issues within the Bay Area. As vessel traffic increases in and around the Bay Area and as technology improves, it may be necessary and feasible to upgrade and expand the VTS in and around the Bay Area. Chevron shall participate in this analysis and contribute a pro-

rata share toward the upgrade and expansion of the system, if required to do so by the CSLC.”

39-6 Water Quality and System Safety

Two sections within the DEIR examine the issues of ballast water and invasive species, specifically Section 4.2, Water Quality, and Section 4.3, Biological Resources.

39-7 Water Quality and System Safety

In addition to being addressed in Section 4.1, Operational Safety/Risk of Accidents, additional mitigation measures for oil spill impacts referred to in the comment are addressed in Section 4.2, Water Quality, and Section 4.3, Biological Resources.

39-8 Water Quality and System Safety

No additional construction is proposed as part of the proposed Project. As to operational stormwater discharges, please see Section 4.2, Water Quality, Impact WQ-9: “Stormwater Runoff from the Wharf.”

39-9 Air Quality

Electrification is not a feasible consideration at present, since such a large variety of vessels from foreign ports call at the Long Wharf. Larger ports in California, including the Ports of Long Beach and Los Angeles and the Port of Oakland have studied the feasibility of ships using electric power rather than internal combustion engines while at berth. The southern California air emissions reduction program is being pursued by the California Air Resources Board and the South Coast Air Quality Management District. Some of the container company shippers have begun to convert their ships for connection to shore power. These are ships that are owned by the shipping companies and thus frequent those ports. Numerous issues that need to be resolved include vessel retrofit requirements (including vessels owned by Chevron and those that are not), power demands, shore-side infrastructure needs, estimated costs and potential emission reductions. Auxiliary engines would also be required for most of the vessels calling at the Long Wharf. At present, a program similar to that in southern California to promote a regional air quality improvement does not exist for the Bay Area.

39-10 Socioeconomic Impacts

Please refer to the first two paragraphs of response to Comment 39-3.

### 39-11 Bay Trail

Please refer to responses to Comments 3-1, first paragraph, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-14 and 3-15.

### 39-12 Environmental Justice

The objectives, purpose and need for the proposed Project are defined in Section 1.1 of the DEIR. As stated in Section 1.2.2, "Refinery operations are separate from Long Wharf operations and are not part of the proposed lease. Refinery operations are not under the jurisdiction of the CSLC and are addressed only as they pertain to Long Wharf operations or to alternatives to the proposed Project. " The primary basis for the EJ boundary is the hazard footprint area as defined in Section 4.1, Operational Safety/Risk of Upset, although the potential effects of facility operations are expanded in Impact EJ-1. The Long Wharf operates under an existing BAAQMD permit; as such, existing operations are already part of the ambient air quality condition. No increase in operations is proposed that would trigger permit modification.

### 39-13 Mitigation Monitoring and Reporting Program (MMRP)

Section 15045 of the State CEQA Guidelines allows the lead agency "...to recover the estimated costs incurred in preparing environmental documents and for procedures necessary to comply with CEQA on the project." Under the provisions of section 15097 of the State CEQA Guidelines, the lead agency "...shall adopt a program for monitoring or reporting on the revisions it has required on the project and the measures it has imposed to mitigate or avoid significant environmental effects." This program to ensure "environmental compliance" is funded under section 15045 above.